

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENNA MARIE DUNCAN, individually and	:	
on behalf of all other similarly situated,	:	Case No. 22-cv-07841-GRB-AYS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KAHALA FRANCHISING, L.L.C.,	:	
	:	
Defendant	:	
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**DECLARATION OF KYLE S. WILLEMS IN SUPPORT OF DEFENDANT'S MOTION
TO DISMISS PLAINTIFF'S FIRST AMENDED CLASS ACTION COMPLAINT**

KYLE S. WILLEMS, pursuant to 28 U.S.C. § 1746(2), declares under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Bassford Remele, P.A. I represent Defendant Kahala Franchising, L.L.C. in the above-entitled case. I submit this declaration in support of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the July 24, 2023 letter I emailed to Plaintiff's counsel, Joshua Nassir, and which is referred to as the "Cold Stone Letter" in Defendant's Motion to Dismiss.

3. Plaintiff referenced this letter in Paragraph 22 n.13 of her Complaint, and incorporated one of the pictures provided in my July 24, 2023 letter into the consumer survey that Plaintiff submitted as part of her First Amended Class Action Complaint (Dkt. Nos. 21 and 21-1).

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Signed on this 12th day of January, 2024, in the State of Minnesota, County of Hennepin.

Respectfully submitted,

/s/ Kyle S. Willems

Kyle S. Willems